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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,257	08/20/2003	Wai Yim	API72HO	6091
20178 7590 09/14/2007 EPSON RESEARCH AND DEVELOPMENT INC INTELLECTUAL PROPERTY DEPT 2580 ORCHARD PARKWAY, SUITE 225 SAN JOSE, CA 95131			EXAMINER TSUI, WILSON W	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/644,257	Applicant(s) YIM ET AL.	
	Examiner Wilson Tsui	Art Unit 2178	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

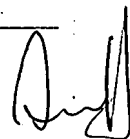
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: First, including the limitations of dependent claims into their respective independent claims (such as including limitations of claim 3 into independent claim 1), raises new scope issues for claims dependent on the independent claim (such as dependent claim 2 now depends on claim 1 which has a narrower scope due to the incorporation of claim 3). Thus, the amendments changes the scope of the invention, and requires new search and consideration. Additionally, the applicant first argues that the applicant's claimed invention involves processing each presentation object, such as a GIF object, that is animated or to which an effect is applied, to generate the compressed image files, which is different from the Syncomatic process, which merely copies any GIF that is encountered in the conversion process, since GIF is the destination format. However, this argument is not persuasive the claim language does not require that ALL presentation objects have to be processed to generate the compressed image files, but rather at least one of the presentation objects must be identified/processed to generate a compressed image. Thus, a GIF object does not have to be converted, since there are at least one or more other objects, such as image map and text data objects that are processed/identified to be captured in a compressed image file (Sync-O-Matic Style Files, page 3). The applicant also argues that the applicant's invention is not directed to creating a movie file; rather, it is directed to creating compressed single image files or JPEG image files. Thus, the applicant argues that not only is the destination format of Lin different from that of the claimed invention, it is also different from that of Syncomatic, which destination format is a series of GIF images. However, the examiner respectfully disagrees, since although Lin teaches the creation of movie files, the examiner respectfully points out that Lin teaches that each frame of the movie file is a compressed image format (column 7, lines 60-67), and therefore, Lin is in the same problem solving area as the applicant's invention, and Syncomatic (with respect to creating compressed image file(s)); and the applicant's argument is not persuasive. Lastly the applicant argues that de Queiroz is silent regarding conversion of a presentation file. However, the examiner respectfully points out that de Queiroz is in the same problem solving area as the applicant's invention, Syncomatic, and Lin (with respect to creating compressed image files), and that de Queiroz teaching's are combined with Syncomatic, and Lin with respect the compressed image problem solving area. Since the previous office action does not assert that de Queiroz teaches the conversion of a presentation file, then the applicant's argument is moot, and also as just previously explained, the combination is also proper.